



**Kevin P. Mulry**  
Partner

Direct Dial: 516.227.0620  
Direct Fax: 516.336.2262  
kmulry@farrellfritz.com

400 RXR Plaza  
Uniondale, NY 11556  
www.farrellfritz.com

Our File No.  
38110-100

October 29, 2021

By ECF and E-Mail

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

MEMO ENDORSED

Granted.

So Ordered:                     /s/                      
Hon. Lewis A. Kaplan  
U.S.D.J.  
Dated: 10/29/2021

**Re: *Kleeberg, et al. v. Eber, et al.***  
**Docket No. 16-cv-9517 (LAK)**

Dear Judge Kaplan:

We represent Defendants in the above-captioned action. This letter is respectfully submitted, on consent of Plaintiffs, to request that the ECF filing of the parties' post-trial briefing be deferred until November 15, 2021, which is after the settlement conference with Judge Parker, scheduled for November 9, 2021. The parties have and will continue to submit all post-trial briefing electronically to the Court on the dates previously set.

The Court has previously provided that the parties may delay ECF filing of their post-trial briefing until the date for filing of the reply papers, which is today. See Order dated October 18, 2021 (Doc. No. 409). A settlement conference is scheduled before Judge Parker on November 9, 2021. Your Honor had suggested to the parties on several occasions during the trial that they consider settlement. See 9/14/21 Tr. at 2:25 to 3:20; 9/15/21 Tr. at 223:24 to 224:1; 9/21/21 Tr. at 382:18 to 383:22; 9/22/21 Tr. at 526:4-7. The trial record includes substantial confidential business information of the Defendants, and immediate public disclosure of this information and the parties' post-trial briefing could have an adverse effect on both settlement discussions and the competitive position of Eber-Ct. A deferral of public filing of the post-trial briefing would also advance the Court's desire to maintain the status quo, so that "[t]here ought to be a standstill mode until you either settle it or get a decision." 9/22/2021 Tr. at 535:18-19

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For these reasons, we respectfully request, on consent of Plaintiffs, that the ECF filing of the parties' post-trial briefing be deferred until November 15, 2021, after the November 9 settlement conference with Judge Parker.

We thank the Court for its consideration of this matter.

Respectfully submitted,

*s/ Kevin P. Mulry*

Kevin P. Mulry

cc: All counsel (By ECF and E-mail)